

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA, <div style="text-align: right;">Plaintiff,</div>)	
)	
V.)	CIVIL ACTION NO. CV-75-S-666-S
)	
JEFFERSON COUNTY, <i>et al.</i>,)	
Defendants.)	
<hr/>)	
)	
JOHN W. MARTIN, <i>et al.</i>,)	
Plaintiffs,)	
)	
V.)	CIVIL ACTION NO. CV-74-S-17-S
)	
CITY OF BIRMINGHAM, <i>et al.</i>,)	
Defendants.)	
<hr/>)	
)	
ENSLEY BRANCH OF THE N.A.A.C.P., <i>et al.</i>,)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO. CV-74-S-12-S
)	
GEORGE SEIBELS, <i>et al.</i>,)	
Defendants.)	
<hr/>)	

**UNITED STATES' RESPONSE TO JEFFERSON COUNTY'S
MOTION TO MAKE AN EMERGENCY APPOINTMENT**

By Order dated February 20, 2013, plaintiffs are required to file a response on or before February 21, 2013 to Jefferson County's motion for permission to make an emergency appointment to the position of Licensed Professional Counselor at the Cooper Green Clinic (doc. no. 1787).

In its motion and in representations made in emails, Jefferson County states that the individual sought to be hired had previously provided services as a Licensed Professional Counselor for Jefferson County at the Cooper Green Mercy Hospital through an arrangement with a private physicians' group. The services with that group terminated on January 31, 2013, including the services of the Licensed Professional Counselor. Jefferson County currently is in negotiations with a physician to perform work at the Cooper Green Clinic and "the successful negotiation of the contract with the doctor that provides psychiatric services is contingent upon the employment of a Licensed professional Counselor" (doc.no.1786 at pp. 2-3).

Jefferson County acknowledges that the Licensed Professional Counselor position should be filled by a merit system employee but no such list or register currently exists. Further, it represents that it will request the Jefferson County Personnel Board to expeditiously develop a list for selection. Until such time, however, Jefferson County requests the Court to permit the emergency appointment of Katie A. Vines., who previously provided the services to the County under the physicians' group contract.

The United States recognizes the need for Jefferson County to provide the services of a Licensed Professional Counselor at the Cooper Green Clinic and recognizes the exigency of the circumstances. As such, the United States does not oppose the hiring of Ms. Vines as a Licensed Professional Counselor as long as Jefferson County complies with all provisions of the Jefferson County Personnel Board's governing rules and regulations, including where necessary getting the

appropriate approval of the Jefferson County Personnel Board Director and/or Board.^{1/}

Respectfully submitted,

/s/ Jay D. Adelstein
Jay D. Adelstein
Joseph J. Sperber, IV
Attorneys
U.S. Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
(202) 514-3749

Dated: February 21, 2013

FOR PLAINTIFF UNITED STATES

¹ The United States defers to the Jefferson County Personnel Board whether the appointment should be made under emergency, temporary, provisional or other appointment procedures.

CERTIFICATE OF SERVICE

I hereby certify that on the 21th day of January, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following participants:

Rowan D. Wilson
Cravath, Swaine and Moore, LLP
825 Eighth Avenue
New York, New York 10019

T.A. Lawson, II, Esq.
Assistant County Attorney
280 Jefferson County Courthouse
716 Richard Arrington Jr. Blvd.
North
Birmingham, AL 35203

Edward A. Hosp
Janell M. Ahnert
Grace R. Murphy
Maynard, Cooper and Gale, PC
1901 6th Avenue North
2400 Regions/ Harbert Plaza
Birmingham, AL 35203

James E. Murrill, Jr., Esq.
Riley & Jackson, P.C.
1744 Oxmoor Road
Birmingham, AL 35209

Dr. John G. Veres, III
Office of the Chancellor
Auburn University at Montgomery
P O Box 244023
Montgomery, AL 36124-4023

/s/ Jay D. Adelstein
JAY D. ADELSTEIN
Attorney
Employment Litigation Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
(202) 514-3852